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8 Attorneys for Defendant

9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
11 **FRESNO DIVISION**

12		)	Case No.: 1:21-cv-00716-BAM
13	KARL JON-PAUL WUEST,	)	
14	Plaintiff,	)	STIPULATION TO REMAND AND
15	vs.	)	PROPOSED ORDER
16	KILOLO KIJAKAZI, <sup>1</sup>	)	
17	Acting Commissioner of Social Security,	)	
18	Defendant.	)	

19  
20 IT IS STIPULATED by and between Karl Jon-Paul Wuest (Plaintiff) and Kilolo  
21 Kijakazi, Acting Commissioner of Social Security (Defendant), through their undersigned  
22 counsel of record, that the above-entitled action shall be remanded to the Commissioner of  
23 Social Security for further administrative proceedings.

24 Upon remand, the Office of Hearing Operations will remand the case to an  
25 Administrative Law Judge (ALJ) for a new decision and instruct the ALJ to further evaluate the  
26 evidence, including evidence related to Plaintiff's hearing loss. The parties further request that

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28 <sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021, and should be substituted, therefore, for Andrew Saul as the defendant in this suit. Fed. R. Civ. P. 25(d). No further action need be taken to continue this suit. 42 U.S.C. § 405(g).

1 the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against  
2 Defendant, reversing the final decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the  
4 Social Security Act, 42 U.S.C. 405(g).

5 Respectfully submitted this 2nd day of May, 2022.

6  
7 Dated: May 3, 2022

/s/ Roger D. Drake

8 ROGER D. DRAKE

Attorney for Plaintiff

9 \*Authorized via e-mail on Apr. 29, 2022

10 Dated: May 3, 2022

PHILLIP A. TALBERT

United States Attorney

11 LISA A. THOMAS

12 Regional Chief Counsel, Region VII

13 Social Security Administration

14 By: /s/ Sarah E. Preston

15 SARAH E. PRESTON

Special Assistant United States Attorney

16 Attorneys for Defendant

17 **ORDER**

18 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of  
19 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,  
20 **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social  
21 Security for further proceedings consistent with the terms of the Stipulation to Remand. The  
22 Clerk of the Court is directed to enter a final judgment in favor of Plaintiff, and against  
23 Defendant, reversing the final decision of the Commissioner.  
24 **IT IS SO ORDERED.**

25 Dated: May 3, 2022

/s/ Barbara A. McAuliffe

26 UNITED STATES MAGISTRATE JUDGE